

ther Country or from her colonies, subject to confiscation: he further declared to be denationalized, the flag of all neutral ships that should be found offending against these his Decrees: and he gave to this project of universal Tyranny, the name of the Continental System.

For these attempts to ruin the commerce of Great Britain, by means subversive of the clearest rights of neutral nations, France endeavoured in vain to rest her justification upon the previous conduct of His Majesty's Government.

Under circumstances of unparalleled provocation, His Majesty had abstained from any measure, which the ordinary rules of the Law of Nations did not fully warrant. Never was the maritime superiority of a Belligerent over his enemy, more complete and decided. Never was the opposite Belligerent so formidably dangerous in his power, and in his policy to the liberties of all other nations. France had already trampled so openly and systematically on the most sacred rights of Neutral Powers, as might well have justified the placing her out of the pale of civilized nations. Yet in this extreme case, Great Britain had so used her naval ascendancy, that her enemy could find no just cause of complaint: and in order to give to these lawless decrees the appearance of retaliation, the Ruler of France was obliged to advance principles of maritime law unsanctioned by any other authority, than his own arbitrary will.

The pretexts for these Decrees were, first, that Great Britain had exercised the rights of war against private persons, their ships and goods; as if the only object of legitimate hostility on the ocean were the public property of a State, or as if the Edicts, and the Courts of France itself had not at all times enforced this right with peculiar rigour; secondly, that the British orders of blockade, instead of being confined to fortified towns, had, as France asserted, been unlawfully extended to commercial towns and ports, and to the mouths of rivers; and thirdly that they had been applied to places, and to coasts, which neither were, nor could be actually blockaded. The last of these charges is not founded on fact; whilst the others, even by the admission of the American Government, are utterly groundless in point of law.

Against these Decrees, His Majesty protested and appealed; He called upon the United States to assert their own rights, and to vindicate their independence, thus menaced and attacked; and as France had declared, that she would confiscate every vessel, which should touch in Great Britain, or

be visited by British ships of war, His Majesty, having previously issued the Order of January 1807, as an act of mitigated retaliation, was at length compelled, by the persevering violence of the enemy, and the continued acquiescence of Neutral Powers, to revisit, upon France, in a more effectual manner, the measure of her own injustice; by declaring, in an Order in Council, bearing date the 11th of November 1807, that no neutral vessel should proceed to France or to any of the countries from which, in obedience to the dictates of France, British commerce was excluded, without first touching at a port in Great Britain, or her dependencies. At the same time His Majesty intimated His readiness to repeal the Orders in Council, whenever France should rescind her Decrees, and return to the accustomed principles of maritime warfare; and at a subsequent period, as a proof of His Majesty's sincere desire to accommodate, as far as possible, His defensive measures to the convenience of Neutral Powers, the operation of the Orders in Council was, by an order issued in April 1808, limited to a blockade of France, and of the countries subjected to her immediate dominion.

Systems of violence, oppression, and tyranny, can never be suppressed, or even checked, if the Power against which such injustice is exercised, be debarred from the right of full and adequate retaliation: or, if the measures of the retaliating Power, are to be considered as matters of just offence to neutral nations, whilst the measures of original aggression, and violence are to be tolerated with indifference, submission, or complacency.

The Government of the United States did not fail to remonstrate against the Orders in Council of Great Britain. Although they knew, that these Orders would be revoked, if the Decrees of France, which had occasioned them, were repealed, they resolved at the same moment to resist the conduct of both Belligerents, instead of requiring France in the first instance to rescind her Decrees. Applying most unjustly the same measure of resentment to the aggressor, and to the party aggrieved, they adopted measures of commercial resistance against both—a system of resistance, which, however varied in the successive Acts of Embargo, Non-Intercourse, or Non-Importation, was evidently unequal in its operation, and principally levelled against the superior commerce, and maritime power of Great Britain.

The same partiality towards France was observable, in their negotiations, as in their measures of alleged resistance.